

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMAR V. STUART,	}	
	}	
Petitioner,	}	
	}	
v.	}	Civil Action No. 08-314 Erie
	}	
WARDEN FRANCISCO J. QUINTANA,	}	
	}	
Respondent.	}	

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on November 13, 2008 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on May 22, 2009 [12], recommends that the instant petition for writ of habeas corpus be dismissed as moot and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at FCI McKean, where he is incarcerated. Petitioner has filed no objections to Magistrate Judge Baxter's Report and Recommendation. After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 18th day of June, 2009;

IT IS ORDERED that the Petition for Writ of Habeas Corpus be, and hereby is, DISMISSED as moot and no certificate of appealability shall issue.

The Report and Recommendation of Magistrate Judge Baxter, filed on May 22, 2009 [12] is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge